IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10554 of 2004

Between:

1 Smt. V. Varalakshmi, W/o. Subrahmanyeswara Rao,
Shop No. (2) President of Veeranjaneya Dwakra Group,
At Gudur Village & amandal, Krishna District.
2 Smt. Batta Suguan, W/o. Umaprasad,
President of Chamundeswari Self Help Group

R/o. Idugulapalli Village, Gudur Mandal,
Krishna District.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Bandar, Krishna District.
2 The Mandal Revenue Officer, Gudur Mandal at Gudur,

Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue writ or direction preferably writ of mandamus declaring the action of the 1st respondent in notifying the petitioner's fair price shops (i.e., shop No.(2) of Gudur Village and Idugullapalli Village of Gudur Mandal, Krishna District without notice to the petitioners and trying to appoint fresh candidates is illegal, arbitrary, discriminatory and violative of principles of natural justice and consequently direct the respondents to continue the petitioners as Fair Price Shops Dealers as usual

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

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This Writ Petition is filed by the petitioners claiming that they are entitled to continue as fair price shop dealers, representing Dwakra Group and Self Help Group, and the 1st respondent is not entitled to issue any notification, calling upon applications for filling up the vacancies of fair price shop dealers on permanent basis.

2. According to the petitioners, they were appointed as authorized dealers by the 2nd respondent, subject to the ratification by the 1st respondent. It is stated that under the scheme formulated by the State Government, the petitioners are entitled to continue as fair price shop dealers. But contrary to the said scheme, the 1st respondent is proceeding to issue notification for appointment of permanent authorized dealers. Hence, sought for appropriate direction from this court.

3. When the matter came up for admission on 24.6.2004, the matter was adjourned with a direction that the 1st respondent shall go on with the interviews to be held on 25.06.2004, but however not to give effect to the final orders. Further, when the matter came up on 6.7.2004, the petitioners were directed to produce the Scheme, if any, under which they were allotted fair price shop authorization. Today, when the matter came up for admission, the learned counsel for the petitioner has fairly conceded that there is no such scheme under which the fair price shop dealerships

were ordered to be assigned to the persons, representing Dwakra Group and Self Help Group.

4. In the absence of any specific scheme, under which the petitioners representing the above referred groups were appointed as fair price shop dealers, the petitioners are not entitled either for appointment or to continue as authorized dealers. Therefore, there is no merit in the claim of the petitioners. In fact, the appointment order made in favour of the petitioners shows that the said appointments were made by the 2nd respondent, subject to the ratification of the 1st respondent, even though the 2nd respondent has no jurisdiction to make any appointments of the fair price shop dealers.

5. In any view of the matter, the petitioners are not entitled to any relief in the present writ petition. However, as the petitioners are claiming to be continuing as authorized dealers, they can continue as authorized fair price shop dealers, till permanent appointments were made.

6. The Writ Petition is, accordingly disposed of. No costs.

Dsr/Kvh

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Revenue Divisional Officer,

Bandar, Krishna District.

2. The Mandal Revenue Officer,

Gudur Mandal at Gudur,

Krishna District.

3. Two CCs to the Government Pleader[Civil Supplies]

High Court Buildings, Hyderabad [OUT]

4. Two CD copies.